

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12635, of the Trust of Margaret Weaver, Et Al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue the use of a parking lot in the R-2 District at the premises 3831 McKinley Street, N.W., (Square 1860, Lots 5, 6, 7, 17 and 18).

HEARING DATE: April 26, 1978
DECISION DATE: May 31, 1978

FINDINGS OF FACT:

1. The subject property is located at the north-east corner of 39th and McKinley Streets, N.W., and is known as 3831 McKinley Street, N.W. It is in an R-2 District. A public alley on the eastern and northern sides of this property separates it from the C-1 District along the west side of Connecticut Avenue, N.W., and the south side of Northampton Street, N.W. All of the area to the west of the subject property as far as Western Avenue, and to the south as far as Military Road, N.W., lies within the R-2 District.
2. The property now and for a number of years has been used as an accessory parking lot for customers of Magruder's Food Store at 5262 Connecticut Avenue, N.W.
3. In addition to Magruder's, the parking lot is located to the rear of the Avalon Movie Theater, Chevy Chase Bicycle Shop, Washington Federal Savings and Loan and a paint store. All of the above mentioned businesses use the parking lot and are within 200 feet of the subject lot.
4. The applicant was granted permission to operate the parking lot on November 17, 1959, by BZA Order No. 5664 for a period of five years. The most recent continuance was granted for the subject property by the Board of Zoning Adjustment in Order No. 11212 effective January 31, 1973, for a period of five years. The subject lot has been in operation for approximately 19 years.

5. The hours of operation for the parking lot are from 8:A.M. to 7:P.M., from Monday through Saturday. An attendant is on duty for at least six hours a day. The lot has a sixty car capacity. Due to the continued turnover of vehicles the lot accommodates from 600 to 700 customers daily. The applicant testified that the exit and entrance are chained after the hours of operation.

6. Opposition was voiced by a home owner who resides in the 3900 block of McKinley Street, N.W. The homeowner's opposition was not to the parking lot per se, but to the ingress and egress patterns of the subject lot. The homeowner stated that the present pattern of entering on McKinley and exiting on 39th Street, N.W., add to traffic congestion in that area. The homeowner believed that the problem could be lessened by reversing the present pattern and have customers enter on 39th Street, N.W., and exit on McKinley Street, N.W.

7. A representative of Advisory Neighborhood Commission 3G testified that it also was not opposed to the parking lot pur se. The ANC was opposed to the lack of maintenance on the lot particularly including the condition of the wall around the lot, the accumulation of refuse and litter outside the wall and to the lack of a full time attendant. The ANC also agreed with the suggestion for a reversal of the ingress and egress patterns. In addition, the ANC noted, that not all sides of the lot were chained after the hours of operation as stated by the applicant.

8. By memorandum dated April 25, 1978, the Department of Transportation, stated that in its review of the application no adverse impacts have been identified. At the time of site inspection by a staff person of the Department of Transportation on April 14, 1978, the appearance of the existing facilities was very good.

9. With respect to the question of changes in the ingress and egress patterns of the lot, the Board referred this specific issue to the Department of Transportation for a further report.

10. The Department of Transportation in a memorandum dated May 15, 1978, reported that there was no advantage to reversing the present traffic flow and that in fact, it would be a disadvantage from a safety stand point to have traffic exit into McKinley Street which has periods of high volume traffic through out the day. The Board so finds.

CONCLUSIONS OF LAW:

Based on the record including the memorandum from the Department of Transportation, the Board concludes that the application meets the standards for the granting of the requested special exception. The lot is located within 200 feet of an existing commercial district and is separated only by an alley from such commercial district. The subject lot is reasonably necessary and convenient to the neighborhood, and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby properties because of noise, traffic, or other objectionable conditions, if the conditions to be imposed on this application are met. The Board concludes that it has given great weight to the issues and concerns of the ANC, but that in regard to the issue of ingress and egress to the lot, the Board accepts the judgment of the Department of Transportation.

Accordingly, it is therefore ordered that the application is granted subject to the following conditions:


- a. Approval shall be for a period of two years, which shall be subject to renewal at the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.
- b. The applicant shall repair the wall surrounding the lot and shall maintain it in a suitable manner.
- c. There shall be no change in the entrance and exit from the lot.
- d. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- f. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- g. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

- h. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping plans must be approved by the Department of Highways and Traffic.
- i. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- j. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT, Walter B. Lewis to DENY by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 JUN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.